UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,471	08/27/2003	Debra Lyn Orton	4386-7004US1	4718

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EXAMINER
CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-111* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-111* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 10-111 are rejected under 35 U.S.C. 102(e) as being anticipated by

Nakano et al. (5,369,766). **The previous rejection stands for the reasons cited**

previously and for reasons listed in BOLD to address the applicant's arguments.

Claims	Nakano
10. (NEW) A method for running an object-oriented application on a computer platform including computer hardware and an operating system executing on the computer hardware,	See the title, the abstract and col. 2 lines 39-64.
including program logic code specific to the operating system and compiled for use on the computer hardware, comprising:	See col. 3 lines 4-11.

providing an object-oriented interface specifying object-oriented classes each containing one or more methods, on the computer platform,	See fig. 2 and col. 1 lines 44-57.
the interface implemented on a plurality of computer platforms including different combinations of computer hardware and operating systems,	See col. 11 lines 25-35, see claim 1.
the interface used by the object-oriented application to instantiate objects from the classes and invoke the object-oriented methods;	See col. 2 lines 65-col. 3 line 11.
the program logic code responsive to the object-oriented interface to provide native system services from the computer platform;	" " " "
determining if a particular object-oriented method to be invoked during runtime execution is not present in executable program memory in the computer hardware; and	See col. 3 lines 49-67.
loading the particular object-oriented method into the executable program memory determined to not be present in the executable program memory prior to its runtime execution.	" " " "

The applicant indicates that Nakano fails to disclose or suggest the

interface implemented on a plurality of computer platforms; however, Nakano is

considered to provided for the feature to enable compatibility between units interconnected on a system bus, see col. 2 lines 39-49, by providing a consistent interaction interface regardless of the user's applications, see col. 1 lines 45-57, by dynamically linking load modules at runtime, col. 1 lines 60-68. Further proof of the feature is specified via col. 2 lines 60-63, col. 3 lines 4-11, col. 11 lines 60-col. 12 line 9 and col. 20 lines 21-26.

The applicant also indicates that Nakano does not disclose or suggest program logic code responsive to object oriented interface to provide native services from the computer platform (i.e. a single platform not a plurality of platforms). However, see col. 20 lines 18-50 in which call are made between different formats (program code logic). Therefore, native services (by different languages and different development environments-i.e. hardware systems) are provide for as well as compatibility (Cross Language Compatibility) between the existing format (program logic code), see col. 11 lines 25-35.

Various native services are provided to enable compatibility, see Nakano's section entitled Cross Language Compatibility in col. 11-col. 12. Services also are considered to enable dynamic linking at runtime to features of different languages and different environments, see the abstract and col. 11 lines 25-35. Therefore, each of the features are considered provided for.

11. (NEW) The method of claim 10, which further comprises: the particular object-oriented method being not present in	See col. 1 lines 60-col. 2 line 7. Also, see again col. 3 lines 49-67.

the executable program memory when the object-oriented program begins execution.

12. (NEW) The method of claim 10, which further comprises:
the particular object-oriented method being specific to the computer platform.

See col. 11 lines 25-35.

13. (NEW) The method of claim 10, which further comprises:
the particular object-oriented method being specific to the computer hardware.

"   "   "   "

14. (NEW) The method of claim 10, which further comprises:
the particular object-oriented method being specific to the operating system executing on the computer hardware.

"   "   "   "

15. (NEW) The method of claim 10, which further comprises:
the particular object-oriented method being specific to the operating system executing on the computer hardware and the program logic code being responsive to the particular object-oriented method.

"   "   "   "

Claims 16, 22, 28, 34, 40, 46, 52, 58, 64, 70, 76, 82-111 are rejected as claim 10 above. The applicant is hereby advised that the features of the platform in claims 101-103 are considered merely the processor and the memory (see fig. 1 items 10 and 14

and 20). The applicant should that program code is not considered part of an apparatus.

As per claims 17, 23, 29, 35, 41, 47, 53, 59, 65, 71, 77 are rejected as claim 11.

The features of claims 18-21, 24-27, 30-33, 36-39, 42-45, 48-51, 54-57, 60-63, 66-69, 72-75, 78-81 are rejected as claim 12.

Conclusion

3.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

John Chavis
Primary Examiner AU-2193